



# UNITED STATES PATENT AND TRADEMARK OFFICE

h.n

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,865	03/29/2006	Gunnter Rauchhaus		7066

26565 7590 09/29/2006

MAYER, BROWN, ROWE & MAW LLP  
P.O. BOX 2828  
CHICAGO, IL 60690-2828

EXAMINER

BELLAMY, TAMIKO D

ART UNIT PAPER NUMBER

2856

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,865	RAUCHHAUS, GUNNTER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tamiko D. Bellamy	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Borletti (FR1415452 A).

Re claim 1, as depicted in fig. 1, Borletti discloses a casing surrounding a hollow cavity and a receptacle for a lever arm (5, 4) of the level indicator. Borletti discloses a float having at least two interconnected shells (1', 2, 1) which when joined together, form at least two separate chambers.

Re claim 2, as depicted in fig. 1, Borletti discloses the chambers are identical in size.

Re claim 3, as depicted in fig. 1, Borletti discloses the chamber (e.g., cavity in shell 2) that comes into contact with other parts (lever arm 4) are smaller than the chambers which do not come into contact with other parts.

Re claim 4, as depicted in fig. 1, Borletti discloses the shells (1,'1) are formed symmetrically.

Re claim 5, as depicted in fig. 1, Borletti discloses bulges forming chambers in one shell ('1).

Re claim 6, as depicted in fig. 1, Borletti discloses the shell (1,'1, 2) are welded together.

Re claim 8, as depicted in fig. 1, Borletti discloses one of the shells (1,1') has a receptacle.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borletti (FR1415452 A).

Re claim 7, as depicted in fig. 1, Borletti discloses shells (1,2, 1') that from a one-piece constriction. While, Borletti does not specifically discloses the shells are clipped to each other or inserted one into the other, the way of connecting parts is a design consideration clearly in the preview of one having ordinary skill in the art. Therefore, to employ Borletti on clipping the shell to each other or inserting the shells one into the other would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches a float including a plurality of shells that are interconnected to one another.

Re claim 9, Borletti discloses a plurality of shells made from a material. While, Borletti does not specifically discloses the shells are composed of POM, PA, or PPS, the court held, in In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960), that the selection

Art Unit: 2856

of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. Therefore, to employ Borletti on shell composed of POM, PA, or PPS would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches forming shells from a material a material to including a plurality of shells that are interconnected to one another.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

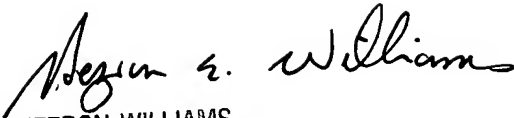
T.B.

Application/Control Number: 10/573,865

Page 5

Art Unit: 2856

September 19, 2006

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800